FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 451/2005
(Kartik Mahadeorao Patil Vs. Smt. Lalita Pandurang)

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. S.M. Bhangde, Adv. for the appellant.
Mr. P.A. Deshmukh, Adv. for the respondent.

CORAM : Smt. Vasanti A. Naik, J.
DATED : 24th September, 2007.

Heard the learned counsel for the parties.

The appellant is the original defendant. A suit was filed by the plaintiff for specific performance of contract and declaration.

Both the Courts have concurrently held that the defendant was liable to execute a sale deed of half portion of the suit property i.e. northern side portion of the suit house in favour of the plaintiff as per the agreement dated 20/7/1992. The case of the plaintiff that he had paid 50% of the amount towards the purchase of the suit house was accepted by both the Courts. Since the defendant had not executed a sale deed in respect of the northern portion of the suit house, in favour of the plaintiff as agreed between the parties by the agreement

dated 20/7/1992, the Courts granted a decree in favour of the plaintiff. The counter claim of the defendant for possession of the suit property i.e. the half portion towards the northern side of the suit property, was dismissed.

The findings recorded by both the Courts are based on a proper appreciation of the material evidence on record. Both the Courts have concurrently held that the plaintiff had paid 50% of the consideration towards the purchase of the suit house and, therefore, the defendant was liable to execute a sale deed in respect of the northern side of the suit house, in favour of the plaintiff.

The findings recorded by both the Courts do not give rise to any substantial question of law. Second appeal is, therefore, dismissed with no order as to costs.

JUDGE

RMP